Regulation of Commerce.—Tea and coffee are held not to be "provisions" within a Massachusetts statute prohibiting peddling without a license but excepting the sale of "provisions" from the operation of the act. Commonwealth *v.* Cardwell, 76 Northeastern Reporter, 955. In this case it is also held that a statute which permits the sale by peddlers of agricultural products of the United States without a license but forbids unlicensed sales of agricultural products of other countries is a regulation of commerce within the constitutional provision giving Congress exclusive power to regulate commerce.

Res Ipsa Loquitur.—Strasberger against Vogel, 63 Atlantic Reporter, 202, contains a good illustration of the limitations of the doctrine of res ipsa loquitur. The action was for injuries to a pedestrian who was struck by a brick falling from the chimney of defendant's house. There was no evidence that the chimney was out of repair and it was shown that certain persons were on the roof of the house and leaned on the chimney at the time the brick fell. These persons were there without defendant's knowledge and did not get on the roof through his premises. Proof of these facts was held not sufficient to justify a charge authorizing a verdict for plaintiff unless defendant showed that the falling of the brick was not caused by his negligence.

Chicago Drainage Case.—The Chicago Drainage case, officially known as State of Missouri *v.* State of Illinois, which was decided on demurrer in 21 Supreme Court Reporter, 331, has reached a final decision which is reported in 26 Supreme Court Reporter, 268. It is there held that the discharge into the Mississippi River from an artificial drainage canal of the sewage of Chicago mixed with a large amount of pure water from Lake Michigan, will not be enjoined at the instance of the State of Missouri on the ground that the sewage poisons the water supply, where the evidence tending to show such infection though disclosing an increase in the deaths from typhoid fever in St. Louis, nevertheless left it doubtful whether the typhoid baccilus can and does survive the journey and reach the intake of St. Louis in the Mississippi, and affirmatively showed other possible sources of infection in the discharge of sewage above the St. Louis intake from other towns and cities, some of which were situated in Missouri.

Libel by Unauthorized Publication.—A very remarkable determination as to what constitutes a libelous publication is contained in Martin *v.* Picayune, 40 Southern Reporter, 376. Plaintiff was a physician apparently of high standing in his profession and was a member of a medical society, the members of which were opposed to advertising by physicians and had passed resolutions denouncing that practice. Defendant newspaper learned of a remarkable cure effected by the professional skill of plaintiff and published a rather glowing account

of the case, stating that other physicians had treated the patient without effect, and containing various other laudatory remarks. Plaintiff alleged that this publication which, though true and obtained from the father of the patient, was not authorized by plaintiff had a tendency to lead the public and his brother practitioners to believe that he was advertising and thereby caused them to class him in the category of quacks, who alone, it was alleged, resorted to advertising. Reversing a holding of the lower court that this petition stated no cause of action, the Supreme Court declares that it shows an actionable libel.

Duress by Labor Union.—A union of bricklayers and plasterers voted to refuse to handle brick from any manufacturer delivering brick to bos masons employing nonunion men, and notice of the resolution was served on the manufacturer. Subsequently a manufacturer sold brick to a boss mason employing nonunion men. Learning of this, the union voted to assess damages of one hundred dollars against the manufacturer. Afterwards the manufacturer began to deliver brick to a boss mason employing union men. The union demanded payment of the hundred dollars under a threat that unless the same was paid the men employed by the boss mason would refuse to handle the brick, and payment was made. In March *v.* Bricklayers' & Plasterers' Union No. 1, 63 Atlantic Reporter, 291, it is held that this payment was extorted by means of threats, in violation of the statute of Connecticut, punishing any person who shall threaten to compel another against his will to do an act which such person has a legal right to do.

Primary Election Statutes.—Various provisions of the Illinois primary election law are declared to be unconstitutional in People *v.* Board of Commissioners of Chicago, 77 Northeastern Reporter, 321. A provision that in a senatorial district, consisting of two counties, not more than two persons of the same political party, that is, one candidate for Senator and one for Representative, shall be nominated from any one county, is held in conflict with the constitutional provision merely requiring that Senators and Representatives shall be residents of the district. Other provisions to the effect that in Cook county no party may hold a primary election unless it cast 20 per cent. of the vote at the last election for President, while outside that county a party which cast 10 per cent, may hold a primary election, and that outside of Cook county a person may vote at the primaries by stating his present party affiliations, while in Cook county he cannot so vote if he has voted at the primary election of another party within two years, are declared to be void because special legislation and interfering with the freedom of voters.